

Remarks

Claims 1-5, 7-18, 22-25, 28-33, 36-38, and 46-62 were previously pending in the application. In the present response, Claims 1-5, 7-18, 22-25, 28-33, 36-38, and 46-62 have been cancelled and new Claims 63 and 64 have been added. Accordingly, after entry of the response Claims 63 and 64 will be pending. Reconsideration is respectfully requested based on the following remarks.

Claim Rejection 35 U.S.C. §112

Claims 28-33 were rejected under 35 U.S.C. §101, as not falling within one of the four statutory categories of invention. Claims 28-33 have been cancelled.

Claim Rejection 35 U.S.C. §102

Claims 50, 51, 54, and 55 were rejected under 35 U.S.C. §102(e) as being anticipated by Kenner et al. (U.S. Patent No. 6,502,125), herein referred to as “Kenner”. Claims 50, 51, 54, and 55 have been cancelled.

Claim Rejections 35 U.S.C. §103

Claims 1-5, 7-18, 22-25, 28-33, 36-38, 46-49, 52, and 56-62 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kenner in view of Leighton et al. (U.S. Patent No. 7,111,061), herein referred to as “Leighton”. Claims 1-5, 7-18, 22-25, 28-33, 36-38, 46-49, 52, and 56-62 have been cancelled.

New Claims 63 and 64

New Claims 63 and 64 have been added to more clearly recite the subject matter which Applicant believes to be novel. It is worth noting that in the rejection of Claim 1 under 35 U.S.C. §103(a), the Examiner stated that Kenner discloses “a plurality of nodes

configured to relay the data for delivery to the client [Fig. 1, Deliver Sites 26, 28, 30]”.

However, Applicant respectfully disagrees.

Figure 1 of Kenner shows delivery sites 26, 28, and 30. However, these are not nodes, as the term is used in the subject claims. The nodes of the subject claims receive data from delivery sites (such as the management center and/or content providers). The nodes of the claimed invention are not the delivery sites themselves.

That is, the nodes of the claimed invention are not delivery sites, but rather are intermediate the clients and the delivery sites. The claimed nodes enhance the delivery process by helping to define more efficient routing for the requested data.

Moreover, the deliver sites of Kenner are merely mirror sites, and are thus simply content providers. Kenner states as follows:

“Several delivery, or "mirror" sites are shown connected to the Internet 10 in FIG. 1. A first delivery site 26 might be located a small number of "hops" from the first user terminal 12. A second delivery site 28 might be located further away from the first user terminal 12, but close to the third user terminal 20. A third delivery site 30 might be as close to the third user terminal 20 as the second delivery site 28 is. As previously noted, a user and a provider or delivery site that are "geographically" near each other might not be "electronically" near each other on the Internet. By decreasing the "electronic" distance between the user and the provider or delivery site, the number of network connections and routers over which data must travel can be decreased. (column 7, lines 24-37) [emphasis added]

As such, it is clear that delivery sites 26, 28, and 30 are merely mirror sites, one of which might be close to a client.

Mirror sites are defined by Kenner as follows:

“Each mirror site contains information that is essentially identical to that of the original site.” (column 3, lines 65-66)

It is important to appreciate the distinction between mirror sites and nodes (as the term node is used in the subject claims). As defined in Kenner, mirror sites store data. By way of contrast, the claimed nodes route data from a content provider (such as a mirror site) to a client.

Indeed, the very purpose of Kenner is to provide for 'the deployment of "Smart Mirror" sites,' as recited in the Abstract thereof. By way of contrast, the claimed invention uses nodes between the content providers (such as mirror sites) and the client to enhance the efficiency of data routing.

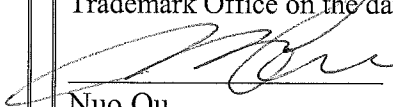
In view of the foregoing, it is respectfully submitted that the none of the cited references, taken either alone or in combination with one another, either disclose or make obvious "a plurality of nodes configured to relay data from the management center to a client," as recited in new independent Claim 63 or "relaying the data from the content provider to the client via the selected node" as recited in new independent Claim 64. As such, it is respectfully submitted that the claims are in condition for allowance. Reconsideration and an early allowance are therefore respectfully requested.

Conclusion

In view of the remarks set forth above, it is submitted that the application is now in condition for allowance. Authorization is given to charge any fees due or credit any overpayments in regard to this communication to deposit account 08-1394. If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 752-7040 is welcomed and encouraged.

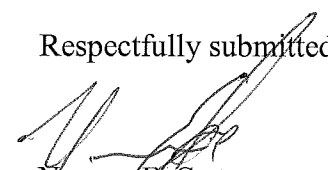
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Respectfully submitted,


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